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# SECTION THREE - BUILDING CODE STANDARDS AND PERMITTING

## CHAPTER 29: Construction Codes in Michigan

**T**his section will highlight the various aspects of the *Michigan Construction Code* standards to which the printing industry must adhere. The Bureau of Construction Codes of the Michigan Department of Consumer and Industry Services (CIS) is responsible for the administration and enforcement of:

- the *Michigan Construction Code, Public Act 230 of 1972, as amended, (Act 230)*;
- the *Boiler Act, Public Act 290 of 1965, as amended, (Act 290)*;
- the *Elevator Safety Board, Public Act 227 of 1967, as amended, (Act 290)*;
- licensing laws for electricians, plumbers, and mechanical contractors;
- Barrier Free Design, *Public Act 1 of 1966, as amended, (Act 1)*; and
- the *Building Officials and Inspectors Registration Act, Public Act 54 of 1986, as amended, (Act 54)*.

The bureau enforces building, electrical, plumbing, and mechanical codes in areas of the state that do not have local building, electrical, plumbing, or mechanical departments. In addition, the bureau registers local code officials, plan reviewers, and inspectors in the areas of building, electrical, mechanical, and plumbing inspections as required by **Act 54**. The law gives the bureau authority to approve instructors, courses, and tests for education and training programs. The bureau is also responsible for examination and licensing in the boiler, electrical, elevator, mechanical, and plumbing fields, as well as investigating consumer complaints against licensees.

### 29.1 Building Permits

**Act 230 of 1972** allows a local unit of government to legally adopt and enforce the **building code** at local governmental levels. The respective building departments are generally listed in the telephone book as Building Safety Departments in the city, township or county in which the building is located.

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- 29.4 Plumbing Permits
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- 29.7 Michigan's Barrier Free Design Law
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In areas without a local building department, you may contact the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, Building Division, at 517-241-9317.



## Section Three—Building Code Standards and Permitting

The purpose of the **building code** is to insure public safety, health, and welfare, insofar as they are affected by building construction. This covers structural strength, adequate egress facilities, sanitary equipment, light and ventilation, fire safety; and in general, to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition, or use and occupancy of buildings, structures or premises.

Building permits are required for any of the following:

- Construction or alteration of a structure;
- Construction of an addition;
- Demolition or movement of a structure;
- A change of occupancy;
- Installation or alteration of any equipment that is regulated by the code; or
- Moving a lot line which affects an existing structure.

A building permit may be obtained by the owner or the owner's builder, architect, engineer, or agent.

A builder's license is not necessary to secure a building permit for a commercial building.

Plans and specifications, signed and sealed by a licensed architect or engineer in the state of Michigan must accompany the application for a building permit, except for minor alterations and repair work.

### 29.1.1 Existing Structures

A permit is not required for ordinary repairs. Ordinary repairs to structures may be made without permit, but such repairs shall not include:

- The cutting away of any wall, partition or portion thereof;
- The removal or cutting of any structural beam or bearing support; or
- The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit requirements.

| APPLICATION FOR BUILDING PERMIT AND PLAN EXAMINATION   |  |  |   |   | 120 |
|--|--|--|---|---|-----|
| Michigan Department of Consumer & Industry Services<br>Bureau of Construction Codes/Plan Review Division<br>P.O. Box 30255<br>Lansing, MI 48909<br>Building Section (517) 241-9317 |  |  |   |   |     |
| AUTHORITY: P.A. 230 OF 1972, AS AMENDED<br>COMPLETION: MANDATORY TO OBTAIN PERMIT<br>PENALTY: PERMIT WILL NOT BE ISSUED  |  |  | THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES WILL NOT DISCRIMINATE AGAINST ANY INDIVIDUAL OR GROUP BECAUSE OF RACE, SEX, RELIGION, AGE, NATIONAL ORIGIN, COLOR, MARITAL STATUS, HANDICAP, OR POLITICAL BELIEFS. |   |     |
| APPLICANT TO COMPLETE ALL ITEMS IN SECTION I, II, III, IV, V AND VI<br>NOTE: SEPARATE APPLICATIONS MUST BE COMPLETED FOR PLUMBING, MECHANICAL, AND ELECTRICAL WORK PERMITS         |  |  |   |   |     |
| <b>I. PROJECT INFORMATION</b>  |  |  |   |   |     |
| PROJECT NAME   |  | ADDRESS  |   |   |     |
| CITY   | VILLAGE                                | TOWNSHIP                                       | COUNTY  | ZIP CODE  |     |
| BETWEEN  |  | AND  |   |   |     |
| <b>II. IDENTIFICATION</b>  |  |  |   |   |     |
| <b>A. OWNER OR LESSEE</b>  |  |  |   |   |     |
| NAME   |  | ADDRESS  |   |   |     |
| CITY   | STATE                                  | ZIP CODE                                       | TELEPHONE NUMBER  |   |     |
| <b>B. ARCHITECT OR ENGINEER</b>  |  |  |   |   |     |
| NAME   |  | ADDRESS  |   |   |     |
| CITY   | STATE                                  | ZIP CODE                                       | TELEPHONE NUMBER  |   |     |
| LICENSE NUMBER   |  |  |   | EXPIRATION DATE                                 |     |
| <b>C. CONTRACTOR</b>   |  |  |   |   |     |
| NAME   |  | ADDRESS  |   |   |     |
| CITY   | STATE                                  | ZIP CODE                                       | TELEPHONE NUMBER  |   |     |
| BUILDER'S LICENSE NUMBER   |  |  |   | EXPIRATION DATE                                 |     |
| FEDERAL EMPLOYER ID NUMBER OR REASON FOR EXEMPTION   |  |  |   |   |     |
| WORKERS COMP INSURANCE CARRIER OR REASON FOR EXEMPTION   |  |  |   |   |     |
| MISC EMPLOYER NUMBER OR REASON FOR EXEMPTION   |  |  |   |   |     |
| <b>III. TYPE OF IMPROVEMENT AND PLAN REVIEW</b>  |  |  |   |   |     |
| <b>A. TYPE OF IMPROVEMENT</b>  |  |  |   |   |     |
| 1. <input type="checkbox"/> NEW BUILDING   | 3. <input type="checkbox"/> ALTERATION | 5. <input type="checkbox"/> DEMOLITION         | 7. <input type="checkbox"/> FOUNDATION ONLY   | 9. <input type="checkbox"/> RELOCATION          |     |
| 2. <input type="checkbox"/> ADDITION   | 4. <input type="checkbox"/> REPAIR     | 6. <input type="checkbox"/> MOBILE HOME SET-UP | 8. <input type="checkbox"/> PREMANUFACTURE  | 10. <input type="checkbox"/> SPECIAL INSPECTION |     |
| <b>B. REVIEW(S) TO BE PERFORMED</b>  |  |  |   |   |     |
| <input type="checkbox"/> BUILDING  | <input type="checkbox"/> ELECTRICAL    | <input type="checkbox"/> MECHANICAL            | <input type="checkbox"/> PLUMBING   | <input type="checkbox"/> FOUNDATION             |     |

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Ordinary repairs shall not include addition to, alteration of, replacement or relocation of:

- Any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping;
- Electric wiring; or
- Mechanical or other work affecting public health or general safety.

**Section 3401.2** of the code establishes the owner's responsibility to keep the building maintained and repaired. Additionally, fire protection and safety systems in existing structures are to remain in place and be maintained.

If adding on to your building, the addition shall conform to the requirements for a new structure without requiring the existing structure to comply with new construction requirements of the code. Any existing structure plus additions, shall comply with the height and area requirements of the code.

A change in occupancy in an existing structure may change the level of inherent hazards for which the code was initially intended to address. If you are buying a building that previously had a different use, a change of occupancy shall not be made to the structure without approval of the code official. For example, if the existing or previous business was mercantile (display and sales), and you are changing it to a business use, the use Group B (business) provisions are applicable to all portions of the structure where the occupancy has changed, or which are affected by the change. The use Group B provisions may not have been applicable in the past, so the structure may not fully comply with those provisions. The building would have to be modified before you could open your business.

## **29.2 Electrical Permits**

**Act 230 of 1972** allows a local unit of government to legally adopt and enforce the **electrical code** at the local government level. The purpose of the **electrical code** is to provide practical safeguards to persons and property from hazards arising from the use of electricity. The code contains provisions considered necessary for safety. For further information on regulations pertaining to electrical safety standards, see Chapter 25.

The local electrical inspection department telephone numbers are generally listed in the telephone book as Building Safety or Electrical Safety Departments in the city, township, or county in which the building is located.

In areas where there is no local electrical inspection department, you may contact the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, Electrical Division, at 517-241-9320.



## Section Three—Building Code Standards and Permitting

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Electrical permits are required for any of the following:

- Before equipping a building with electrical equipment; or
- Making an alteration or addition to electrical equipment in excess of \$100.

Electrical permits for commercial buildings may be obtained by an electrical contractor who is licensed by a municipality or by the State Electrical Administrative Board. An electrical contractor's license is required to secure an electrical permit for either of these types of facilities.

Plans and specifications, signed and sealed by a licensed architect or engineer in the state of Michigan must accompany the application for electrical permit. Exceptions to this are alterations and repair work determined by the electrical official to be minor, and wiring or alteration to an electrical system rating which does not exceed 400 amps in a building that is not over 3,500 square feet in area.

### 29.3 Mechanical Permits

**Act 230 of 1972** allows a local unit of government to legally adopt and enforce the **mechanical code** at the local government level. The purpose of the **mechanical code** is to provide adequate requirements considered essential for the safe installation of all mechanical equipment in order to protect the public safety, health, and welfare. The code sets forth comprehensive regulations for the safe installation of mechanical facilities where great reliance was previously placed on accepted practice and engineering standards.

The respective mechanical inspection department telephone numbers are generally listed in the telephone book as Building Safety or Mechanical Safety Departments in the city, township or county in which the building is located.

In areas without a local mechanical inspection department, you may contact the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, Mechanical Division, at 517-241-9325.



Mechanical permits are required for the installation and alteration of the following equipment:

- Air pollution control systems;
- Appliances that use gas, liquid or solid fuel;
- Barbecues;
- Chimneys and vents;
- Cooling systems;
- Crematories;
- Fireplaces;
- Fire suppression systems;
- Heating systems;
- Incinerators;

- Mechanical refrigeration systems;
- Process piping;
- Residential boilers and pressure vessels;
- Steam and hot water systems;
- Systems utilizing solar or geothermal energy as an energy source;
- Ventilating systems; and
- Water heaters.

A state mechanical contractor's license is required to secure a mechanical permit for a commercial building.

Plans and specifications, signed and sealed by a licensed architect or engineer, must accompany the application for a mechanical permit. Exceptions to this are alterations and repair work determined by the mechanical official to be of a minor nature, and business, mercantile, and storage buildings having heating, ventilation, and air conditioning (HVAC) equipment only, with one fire area not more than 3,500 square feet.

### 29.4 Plumbing Permits

**Act 230 of 1972** allows a local unit of government to legally adopt and enforce the **plumbing code** at the local government level. The purpose of the **plumbing code** is to insure the proper installation of systems for furnishing potable water, sanitary sewage disposal and storm drainage; and to insure public safety, health and welfare as affected by the installation of such plumbing.

The local plumbing inspection department telephone numbers are generally listed in the telephone books as Building Safety or Plumbing Safety Departments in the city, township or county in which the building is located.

| MECHANICAL PERMIT APPLICATION  |  |  |  | 125      |
|--|--|--|--|----------|
| Michigan Department of Consumer & Industry Services<br>Bureau of Construction Codes<br>P.O. Box 30255<br>Lansing, MI 48909<br>(517) 241-9313   |  |  |  | M 2000 M |
| <b>I. JOB LOCATION</b><br>Name of Owner/Agent _____ Has a building permit been obtained for this project?<br><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not required<br>Street Address & Job Location (Street No. and Name) _____ City/Township _____ County _____  |  |  |  |          |
| <b>II. CONTRACTOR/HOMEOWNER INFORMATION</b><br><input type="checkbox"/> Contractor Name _____ License Number _____ Expiration Date _____<br><input type="checkbox"/> Homeowner _____<br>Address (Street No. and Name) _____ City _____ State _____ Zip Code _____<br>Telephone Number _____ Social Security Number _____ Federal Employer ID Number (or reason for exemption) _____<br>Workers Compensation Insurance Carrier (or reason for exemption) _____ MEBC Employer Number (or reason for exemption) _____   |  |  |  |          |
| <b>III. TYPE OF JOB</b><br><input type="checkbox"/> Single Family <input type="checkbox"/> New <input type="checkbox"/> Special Inspection <input type="checkbox"/> Premanufactured Home Setup (State Approved) <input type="checkbox"/> State Owned<br><input type="checkbox"/> Other <input type="checkbox"/> Alteration <input type="checkbox"/> LP Tank <input type="checkbox"/> Manufactured Home Setup (HUD Mobile Home) <input type="checkbox"/> School   |  |  |  |          |
| <b>IV. PLAN REVIEW REQUIRED</b><br>See below for plan review requirements before completing this section. Plans and specifications must be submitted for one-and two-family dwellings when the input rating of the building heating/cooling system exceeds 375,000 Btu/s.<br>What is the input rating of the heating system in this building? _____<br>Have plans been submitted? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT REQUIRED<br>Plans are required for all building types and shall be prepared by or under the direct supervision of an architect or engineer licensed pursuant to Act No. 230 of the Public Acts of 1960, as amended, and shall bear that architect's or engineer's signature and seal, except:<br>1. One-and two-family dwellings when the total building heating/cooling system input rating is 375,000 Btu/s or less.<br>2. Alterations and repair work determined by the mechanical official to be of a minor nature.<br>3. Business, mercantile, and storage buildings having HVAC equipment only, with one fire area and not more than 3,500 square feet.<br>4. Work completed by a governmental subdivision or state agency costing less than \$15,000.00.<br><b>PLANS MUST BE SUBMITTED BEFORE A PERMIT CAN BE ISSUED.</b> |  |  |  |          |
| <b>V. APPLICANT SIGNATURE</b><br>Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subjected to civil fines.<br>Signature of Licensee or Homeowner _____ (Homeowner's signature indicates compliance with Section VI Homeowner Affidavit) Date _____  |  |  |  |          |
| <b>VI. HOMEOWNER AFFIDAVIT</b><br>I hereby certify the mechanical work described on this permit application shall be installed <u>by myself in my own home</u> in which I am living or about to occupy. All work shall be installed in accordance with the State Mechanical Code and shall not be enclosed, covered up, or put into operation until it has been inspected and approved by the State Mechanical Inspector. I will cooperate with the State Mechanical Inspector and assume the responsibility to arrange for necessary inspections.   |  |  |  |          |
| <b>COMPLETE APPLICATION ON BACK SIDE</b>   |  |  |  |          |
| <b>VII. FEE CLARIFICATIONS</b><br>ITEM #2, RESIDENTIAL HEATING SYSTEM:<br>This item is used for the installation of a heating system in a new residential structure. Items #10; Gas Piping and #18; Duct, <b>SHOULD NOT</b> be charged. Replacement systems should be itemized.  |  |  |  |          |

In areas without a local plumbing inspection department, you may contact the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, Plumbing Division, at 517-241-9330.



## Section Three—Building Code Standards and Permitting

Plumbing permits are required for the installation and alteration of the following equipment:

- Sanitary facilities;
- Sanitary piping;
- Water services; and
- Storm and sanitary sewers.

An authorized licensed master plumber licensed by the State Plumbing Board may obtain a plumbing permit for a commercial facility. The only exception is for permits for building sewer, private sewer or water service.

Except for alterations and repair work determined by the plumbing official to be of a minor nature, and assembly, business, mercantile and storage buildings with a required plumbing fixture count of less than 12, plans and specifications signed and sealed by a licensed architect or engineer in the state of Michigan must accompany the application for a plumbing permit.

### 29.5 Boiler Permits

The ***Boiler Act, Public Act 290 of 1965, as amended (Act 290)***, requires that all permits for boilers installed and repaired in commercial, public and multiple dwelling units of six or more, be obtained from the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, Boiler Division. Boilers installed in private residences are permitted in accordance with the ***mechanical code***.

You may contact the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, Boiler Division, at 517-241-9334 for further information



Boiler permits are required when a boiler is installed, reinstalled, or repaired in other than a private residence or the City of Detroit. All persons applying for a permit to install, reinstall or repair a boiler must have a license to do so from the CIS, Bureau of Construction Codes, Boiler Division. Boiler issues within the City of Detroit are handled by contacting the city's Building Safety Department.

| PLUMBING PERMIT APPLICATION   |  |   |   | 90  |
|---|--|---|---|---|
| Michigan Department of Consumer & Industry Services<br>Bureau of Construction Codes<br>P.O. Box 30255<br>Lansing, MI 48909<br>(517) 241-9313  |  |   |   | P 2000 P  |
| <b>I. JOB LOCATION</b>  |  |   |   |   |
| Name of Owner/Agent   |  | Has a building permit been obtained for this project?               |   |   |
| Street Address & Job Location (Street No. and Name)   |  | City/Township   | Township  | County  |
| <b>II. CONTRACTOR/HOMEOWNER INFORMATION</b>   |  |   |   |   |
| <input type="checkbox"/> Contractor<br><input type="checkbox"/> Homeowner   |  | Name  |   | License Number  |
| Address (Street No. and Name)   |  | City  | State   | Zip Code  |
| Telephone Number  |  | Social Security Number  |   |   |
| Workers Compensation Insurance Carrier (or reason for exemption)  |  | MISC. Employee Number (or reason for exemption)                     |   |   |
| <b>III. TYPE OF JOB</b>   |  |   |   |   |
| <input type="checkbox"/> Single Family<br><input type="checkbox"/> Other  |  | <input type="checkbox"/> New<br><input type="checkbox"/> Alteration | <input type="checkbox"/> Sewer Only<br><input type="checkbox"/> Water Service Only<br><input type="checkbox"/> Special Inspection | <input type="checkbox"/> Premanufactured Home Setup (State Approved)<br><input type="checkbox"/> Manufactured Home Setup (HUD Mobile Home)<br><input type="checkbox"/> State Owned<br><input type="checkbox"/> School |
| <b>IV. PLAN REVIEW REQUIRED</b>   |  |   |   |   |
| Have plans been submitted? (See below for plan review requirements before completing this section.)   |  |   |   | <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT REQUIRED  |
| Plans are not required for the following:<br>1. One and two-family dwelling containing not more than 3,500 square feet of building area.<br>2. Alterations and repair work determined by the plumbing official to be of a minor nature.<br>3. Assembly, Business, Mercantile, and Storage buildings with a required plumbing fixture count less than 12.<br>4. Work completed by a governmental subdivision or state agency costing less than \$15,000.00.<br>If work being performed is described above, answer Section IV. "Not required."<br>Plans are required for all other building types and shall be prepared by or under the direct supervision of an architect or engineer licensed pursuant to Act No. 239 of the Public Acts of 1980, as amended, and shall bear the architect's or engineer's signature and seal. PLANS MUST BE SUBMITTED BEFORE A PERMIT CAN BE ISSUED. |  |   |   |   |
| <b>V. APPLICANT SIGNATURE</b>   |  |   |   |   |
| Section 23a of the state construction code act of 1972, 1972 PA 239, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subjected to civil fines.  |  |   |   |   |
| Signature of Licensee or Homeowner (Homeowner signature indicates compliance with Section VI, Homeowner Affidavit)  |  |   |   |   |
| <b>VI. HOMEOWNER AFFIDAVIT</b>  |  |   |   |   |
| I hereby certify the plumbing work described on this permit application shall be installed by myself in my own home which I am living or about to occupy. All work shall be installed in accordance with the State Plumbing code and shall not be enclosed, covered up, or put into operation until it has been inspected and approved by the State Plumbing Inspector. I will cooperate with the State Plumbing Inspector and assume the responsibility to arrange for necessary inspections.  |  |   |   |   |
| <b>COMPLETE APPLICATION ON BACK SIDE</b>  |  |   |   |   |
| <b>VIIa. FEE CLARIFICATION</b>  |  |   |   |   |
| ITEM #2, MOBILE HOME UNIT SITE: WHEN item is used for sewer excavations in a new park, the permit application should include the application fee plus the number of unit sites. WHEN setting a mobile home in a park, or a mobile or modular home on private property, a permit should include the application fee, a sewer or building drain, and a water service or water distribution pipe.  |  |   |   |   |
| BCC-327 (Rev. 12/98) FRONT  |  |   |   |   |

Contact the City of Detroit, Building and Safety Engineering, Boiler Division, at 313-224-3210 and Mechanical Division at 313-224-3211 for more information regarding the installation of a boiler within the City of Detroit.



The **State Boiler Code** regulates the installers and repairers of boilers and requires the periodic inspection of boilers to assure the public's safety from the catastrophic results of a boiler failure.

A plan review is not necessary for the installation of a boiler. A plan review for the system connected to the boiler, however, is necessary through the Plan Review Division of the Bureau of Construction Codes.

The **Boiler Act** requires that power, process and high temperature, high pressure boilers be inspected annually. Low pressure steam or vapor heating boilers, hot water heating and hot water supply boilers require inspection every two years. Inspections are also required any time a new boiler is installed or a used boiler is reinstalled. Inspections may be required during or after repairs to boilers depending on the type of repair.

A boiler should be examined daily during operation to assure that it is operating properly and safely. The **Boiler Act**, however, only requires servicing annually or every two years, depending on the type of boiler, as stated above. It only takes a few minutes for a boiler with a malfunctioning control or safety device to reach critical pressure and fail with devastating results.

## 29.6 Elevator Permits

**Public Act 227 of 1967** requires that an elevator shall not be installed or altered without first obtaining a permit from the State of Michigan, CIS, Bureau of Construction Codes, Elevator Safety Division. A permit shall be issued only to a person, firm or corporation licensed by the director as an elevator contractor.

The **State Elevator Code** regulates the installation, alteration, repairs and testing of elevators. It also regulates the licensing of elevator contractors, journey persons, special inspectors and general inspectors. This is to secure the public's safety and to insure the spirit of the rules is observed.

You may contact the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, Elevator Safety Division, at 517-241-9337 for further information about elevators.





Contact the City of Detroit, Building and Safety Engineering, Elevator Division, at 313-224-3704 for more information regarding the installation of elevators within the City of Detroit.



The holder of a certificate of operation shall notify the CIS within 48 hours of every accident involving personal injury or damage to an elevator. The department may investigate all such accidents.

All elevators must be inspected by a general elevator inspector in accordance with the following schedule:

- Passenger, freight, barrier free lifting devices, and special elevating devices at least once every 12 months.
- Escalators, moving walks, inclined lifts, dumbwaiters, one-person elevators (hand-powered), one-person elevators (electric-powered), wheelchair elevating devices in buildings other than private residences, and sidewalk elevators shall be inspected at least once every 24 months.
- Personnel hoists shall be inspected at least once every 30 days.
- Elevating devices in private residences shall be inspected only at the discretion of the department or owner.
- Detailed plans and specifications are required, in triplicate, to be submitted with each installation permit and shall be approved by the department before a permit is issued.
- A power elevator, except a private residence elevator, shall be serviced and examined for defects at least once every 90 days by a licensed elevator journey person.

### 29.7 Michigan's Barrier Free Design Law

**Barrier Free Design, Public Act 1 of 1966, as amended, (Act 1)**, has been a public policy in Michigan since 1966. This act is intended to assure that the building environment in Michigan is accessible and usable for all citizens. This includes elderly persons, wheelchair users, and persons with permanent or temporary conditions which reduce coordination or mobility, or which makes walking difficult or insecure. Barrier free design is also intended to assure that persons with visual or hearing impairments will be able to use facilities safely.

Under the **State Construction Act, Public Act 230 of 1972, as amended (Act 230)**, local units of government have the option of enforcing the **State Construction Code**, adopting and enforcing a nationally recognized model building code, or permitting the state to enforce the **State Building Code** in its area of jurisdiction (see **Section 8(1) of Act 230**).



If the local political unit chooses to administer the building code in its jurisdiction rather than choosing the State of Michigan as administrator, whatever the code, the barrier free design requirements contained in the state building code are applicable statewide without local modification.

Every jurisdiction must enforce these requirements as part of any local building code enforcement program (see **Section 8(10) of Act 230**).

The current state code consists of the **Building Officials and Code Administrators (BOCA) National Building Code/1993** with certain modifications made by rule through the Construction Code Commission. The rules which relate to barrier free design requirements are contained in **Part 4** of the Commission's **General Rules**, the **1993 BOCA Code**, and the **CABO/ANSI A-117.1-1992**.

When Barrier Free Design was implemented as public policy in 1966 by **Act 1**, the law applied almost exclusively to government-owned buildings and facilities. In the middle 1970s, in response to demands made by handicappers committed to living independently rather than in institutional settings, the law was amended to assure barrier free design requirements in buildings where employment opportunities existed and where services to the public were available (e.g., schools, retail stores, restaurants, churches, hotels, etc.). There were considerable differences of opinion about what, if anything, should be done regarding existing buildings.

Michigan lawmakers concluded the differences by stating in law that an existing building undergoing a change in use group, occupancy load, or an alteration, would be required to be made accessible to some extent. If the change affected less than 50 percent of the existing floor area, only the affected area and a barrier free route to it, from and including the nearest entrance, would be required to be barrier free. If the change affected 50 percent or more of the existing floor area, the entire facility would be required to be barrier free.

At the time this standard was enacted, Michigan lawmakers recognized that at times the standard could present difficulty to building owners. To address this, the legislature also created the Barrier Free Design Board and authorized the Board as the only agency in the state with the authority to grant exceptions (variances) to the barrier free design requirements.

The Barrier Free Design Board, created in 1975, consists of a nine-member citizen panel appointed by the Governor with the advice and consent of the Senate. **Act 1** specifically prohibits any person, local unit of government, state department, or agency from granting an exception to the barrier free design requirements except for the Barrier Free Design Board.

In order for the Barrier Free Design Board to consider a request for an exception (variance), a formal application must be submitted. For additional information on the exception process, or for an application, contact the Barrier Free Design Division at 517-241-9300.



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The Barrier Free Design Board has the authority to grant exceptions or variances from the barrier free design requirements, to require alternatives when exceptions are granted, and to allow an exception for a stated time period or upon stated conditions. The Board has established criteria which is taken into consideration when reviewing a request for an exception. A person requesting an exception has the burden of demonstrating a compelling need to warrant granting the exception. Compelling need can include structural limitations, site limitations, economic limitations, technological limitations, and jurisdictional conflicts.

An administrative process, which includes a formal hearing before an administrative law judge, offers the person seeking an exception the opportunity to fully explain the details surrounding the request. The judge will then make a recommendation to the Barrier Free Design Board. The Board may then accept or modify the law judge's opinion. The Board's final decision can be appealed to the Circuit Court of the county in which the project is located.

Michigan law requires the Board to follow the provisions of the Michigan Administrative Procedures Act and that a hearing be conducted in accordance with the provisions of that act. The act establishes the hearing procedure to assure that all persons are treated in a fair and equitable manner and that their due process and equal protection rights are assured.

### 29.8 Americans With Disabilities Act

The ***Americans with Disabilities Act (ADA)*** became effective January 26, 1992 for places of public accommodation, i.e., commercial facilities. January 26, 1992 was the date to complete the removal of barriers for existing facilities.

State and local building officials do not have the authority or responsibility to enforce ADA's accessibility guidelines. That responsibility lies with the U.S. Department of Justice, 800-514-0301.



The ***American with Disabilities Act*** public accommodation requirements are similar to and cover many of the same areas as the State of Michigan's Barrier Free Design Law provisions.

Refer to Where To Go For Help in the MIOSHA Overview, CIS, Bureau of Construction Codes, to order any of the previously mentioned regulations.

### 29.9 High-Hazard Materials

The building code, at the time of construction or alteration to a building specifies the maximum quantities of high-hazard materials allowed per control area before having to classify a part of (or the entire) building as a high-hazard use group.

The high-hazard use group classification relates to those facilities where the storage of materials or the operations are deemed to be hazardous to life and property, especially when they involve

the use of significant amounts of highly combustible, flammable or explosive materials, regardless of their composition. Although they are not explosive or highly flammable, other hazardous materials—such as corrosive liquids, highly toxic materials, and poisonous gases, still present an extreme hazard to life. Many hazardous materials possess multiple hazards, whether physical and/or health related.

It is important to isolate those industrial or storage operations that pose the greatest dangers to life and property and to reduce such hazards by providing systems or elements of protection through the regulatory provisions of the building codes.

Examples of systems and elements of protection that may be required are:

- Fire separation assemblies;
- Explosive venting;
- Monitor control equipment;
- Fire suppression systems;
- Spill control, drainage and containment;
- Type of construction and height limitations; and
- Ventilation.

For further information on regulations pertaining to high-hazard materials safety, see Chapters 2 and 28.